

April 15, 1988

11421



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APR 19 1988

EMERGENCY &
REMEDIAL
RESPONSE BRANCH

Ms. Susan Swales 5-HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

Re: Illinois Bronze Paint Co.
9th Avenue Dump, Gary, Indiana
U.S. Scrap, Chicago, Illinois

Dear Ms. Swales:

The responses of Illinois Bronze Paint Co. to the questions raised at pp. 5-6 of the form letter sent by Mary Gade and dated March 9, 1988 are as follows:

First Request

Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Sites or to the Sites, or who may have arranged for disposal through any of the following persons or organizations: 1) Steve Martell, 2) U.S. Scrap Corp., 3) Liquid Engineering, 4) U.S. Drum Corp., 5) U.S. Drum Disposal, 6) David Head. In addition, identify the following:

a. The person with whom you or such other person made such arrangements;

b. Every date on which such arrangements took place;

c. For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

d. The owner of the waste materials or hazardous substances so accepted or transported;

e. The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

Ms. Susan Swales
April 15, 1988
Page Two

f. All tests, analyses, and analytical results concerning the waste materials;

g. The person(s) who selected the Sites as the place to which the waste materials or hazardous substances were to be transported;

h. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i. Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

j. Whether the waste materials or hazardous substances involved in each transaction were transhipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k. What was actually done to the waste materials or hazardous substances once they were brought to the Sites;

l. The final disposition of each of the waste materials or hazardous substances involved in such transactions.

Response to First Request

Illinois Bronze has no knowledge of any connection between itself and the Sites or between itself and any of the persons or organizations listed. Therefore, it is unable to identify any of the requested information.

Second Request

Provide copies of all shipping documents, or other business documents including receipts relating to the transportation, storage and/or disposal of waste material at the above referenced Sites or with the following businesses and persons:

U.S. Scrap Corp.
Liquid Engineering
U.S. Drum Corp.
U.S. Drum Disposal
Steve Martell
David Head

Response to Second Request

Illinois Bronze has no knowledge of any such documents.

Third Request

Provide a list and description of all liability insurance coverage that is or was carried by you, including any self-insurance provisions that related to hazardous substances and/or the Sites identified above:

The relevant time period for this information is 1965 to 1977, inclusive.

Response to Third Request

Illinois Bronze has maintained comprehensive general liability, product and completed operations liability, and surplus insurance coverage for much of the period in question. To date, it has been unable to locate any such policies that were in effect prior to 1972. It has not established the extent to which any of those policies which it has located relate to hazardous substances. The person most knowledgeable regarding such liability insurance coverage is the environmental attorney for Illinois Bronze, whose name, address, and telephone number are as follows:

Leonard A. Nelson
Schoenberg, Fisher & Newman, Ltd.
222 S. Riverside Plaza, Ste. 2700
Chicago, Illinois 60606
(312) 648-2300

Willingness to Perform or Finance Response Activities

Unless and until Illinois Bronze learns that it is, in fact, responsible for the release or threatened release of hazardous substances at either of the Sites, it is unwilling to perform or finance the response activities which Ms. Gade mentioned in her letter.

Ms. Susan Swales
April 15, 1988
Page Four

Further Contact

Further contacts with Illinois Bronze concerning this matter should be made through its environmental counsel, Leonard A. Nelson. His address and telephone number are shown above.

Dated: April 11, 1988

ILLINOIS BRONZE PAINT COMPANY

By: Ralph R. Cairo
Ralph R. Cairo, Environmental
Consultant

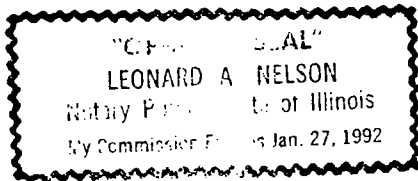
CERTIFICATION

To the best of my knowledge and belief, the information
contained herein is true and accurate.


Ralph R. Cairo

SUBSCRIBED and SWORN to
before me this 15th day
of April, 1988.


Notary Public



Robinson Plaza II, Route 60
Robinson Township
Pittsburgh, Pennsylvania 15205
Telephone: (412) 787-7375

LIBERTY
MUTUAL.



11403

April 19, 1988

Ms. Susan Swales VHE-12
U.S.EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 S. Dearborn St.
Chicago, IL 60604

RECEIVED
U.S. EPA REGION V
OFFICE OF THE DIRECTOR

RE: USEPA (NINTH AVE. DUMP) - ILLINOIS BRONZE PAINT
USEPA (U.S. SCRAP) - ILLINOIS BRONZE

P832-20750-01
P832-20749-01

Dear Ms. Swales:

Under the Freedom of Information Act I am requesting the following records concerning the two sites captioned above.

Please forward me a copy of the initial USEPA Preliminary Investigation Report. Please include copies of any soil or groundwater testing that may have been taken that is not commented in that report.

If either of these two sites were under investigation previously by any local or state agency, would you please forward me a copy of their files concerning their investigation of these sites, if that information is contained in your file.

In your letter of 3/9/88 you comment on prior response actions at the Ninth Ave. Site that apparently occurred prior to the involvement of the USEPA. Please forward me copies of all reports or summaries of those prior activities, if that information is not contained in the material requested above. Would you please forward me copies of any soil or groundwater testing that took place during that period.

If there is a charge for providing me copies of the materials requested, please forward your billing along with the materials and I will arrange for prompt payment.

Page 2

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ron Flowers".

Ronald Flowers
Technical Claims Specialist

hp

Note: If the report by the Army Corp. of Engineers is now available,
would you please forward me a copy.

FROM LIBERTY MUTUAL (9TH AVE & US SCRAP)			CONTROL NO. RIN- 1359-88
SUBJECT AND DATE FREEDOM OF INFORMATION			DATE REC'D 5-23-88
			DUE DATE 6-7-88
REFERRED (1) SUPERFUND	(2) <i>Cham</i>	(3)	(4)
DATE 5-23-88			
REPLY SENT TO If fee is charged, copy to FMB.			DATE RELEASED
REMARKS Signature: Division Director or Branch Chief DD or RA (Denial) ORC Concurrence Required Copy to: Public Affairs			ACKNOWLEDGED - DATE <input type="checkbox"/> NO ANSWER NEEDED <input type="checkbox"/> (Explain in remarks)

Form 180-1 (6-72)
REPLACES FWP/CA FORM 72 AND
FW-73 WHICH MAY NOT BE USED.

(Remove this copy only, do not separate remainder.)

MAIL CONTROL SCHEDULE

LAW OFFICES

Schoenberg, Fisher & Newman, Ltd.

SUITE 2700

222 SOUTH RIVERSIDE PLAZA • CHICAGO, ILLINOIS 60606

TELEPHONE 312/648-2300

FAX 312/559-1172

SAMUEL SCHOENBERG
DAVID L. FISHER
MELVIN S. NEWMAN
GERALD M. NEWMAN
KENNETH H. RICHMAN
ROBERT M. TARNOFF
LEONARD A. NELSON
DANIEL E. BEEDERMAN
ROBERT C. GOLDBERG
RICHARD R. PERLMAN

DAVID L. LIEBMAN
STUART A. COHN

OUR FILE NUMBER

July 20, 1988

88-433

KENNETH C. PRINCE
OF COUNSEL

Ms. Susan Swales 5-HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

Re: Illinois Bronze Paint Co.
9th Avenue Dump Site, Gary, Indiana

Dear Ms. Swales:

On April 18, 1988, a messenger from our office delivered a response to the CERCLA 104(e) request of March 9, 1988. The last two pages of the letter indicated that further communications should be made through myself. In case you might have misplaced it, I am enclosing an additional copy of that letter.

Despite such instruction, the U.S. EPA sent its demand letter of July 7, 1988 directly to my client. In the future, I would appreciate the U.S. EPA's communicating through me. Thank you for your cooperation.

Very truly yours,

Leonard A. Nelson

Leonard A. Nelson

LAN:jac
encl.

cc: Mr. Mark A. Rothschild
Mr. Paul Wickland

11404

April 15, 1988

Ms. Susan Swales 5-HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

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Ms. Susan Swales
April 15, 1988
Page Two

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Ms. Susan Swales
April 15, 1988
Page Three

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Leonard A. Nelson
Schoenberg, Fisher & Newman, Ltd.
222 S. Riverside Plaza, Ste. 2700
Chicago, Illinois 60606
(312) 648-2300

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Ms. Susan Swales
April 15, 1988
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Dated: April 11, 1988

ILLINOIS BRONZE PAINT COMPANY

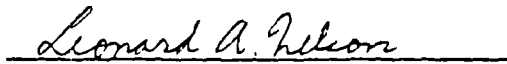
By: Ralph R. Cairo
Ralph R. Cairo, Environmental
Consultant

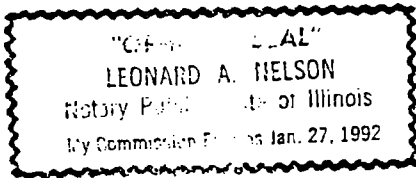
CERTIFICATION

To the best of my knowledge and belief, the information contained herein is true and accurate.


Ralph R. Cairo

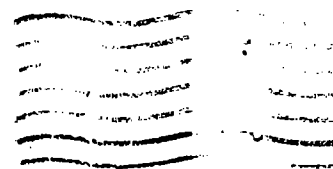
SUBSCRIBED and SWORN to
before me this 15th day
of April, 1988.


Notary Public



Schoenberg, Fisher & Newman, Ltd.

222 SOUTH RIVERSIDE PLAZA
CHICAGO, ILLINOIS 60606



Ms. Susan Swales 5-HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

LAW OFFICES

Schoenberg, Fisher & Newman, Ltd.

SUITE 2700
222 SOUTH RIVERSIDE PLAZA • CHICAGO, ILLINOIS 60606

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ROBERT C. GOLDBERG
RICHARD R. PERLMAN

DAVID L. LIEBMAN
STUART A. COHN

OUR FILE NUMBER

October 7, 1988

88-433

KENNETH C. PRINCE
OF COUNSEL

RECEIVED
OCT 13 1988

**Program
Support Section**

Ms. Susan Swales 5-HE-12
U.S. EPA - Region 5
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

RECEIVED
SEP 1988

**Program
Support Section**

Re: Illinois Bronze Paint Co.
Ninth Avenue Dump Site,
Gary, Indiana
US Scrap Site,
Chicago, Illinois

Dear Ms. Swales:

We represent Illinois Bronze Paint Co., which the EPA has identified as a PRP in connection with the above superfund sites. We respectfully ask that the EPA remove our client from the list of PRPs.

If you review your records, you will see that Illinois Bronze responded fully to the Section 104(e) request. In that response, we indicated that we have never done business with any of the persons identified in the first paragraph of the request and have never had any connection with either of the superfund sites. This answer was based on careful review of the client's records and on questioning of its present and former employees.

Although we, of course, are not privy to all information available to the EPA regarding this matter, we understand that the principal if not the only evidence connecting Illinois Bronze with the sites is Mr. Martell's unsworn statement. If there is any documentary evidence of such

Schoenberg, Fisher & Newman, Ltd.

Ms. Susan Swales
October 7, 1988
Page 2

association, we ask that you provide it to us. I am sure that you can understand how difficult it is for a PRP to accept responsibility for a superfund site when the evidence against it is so thin.

Mr. Martell said that he picked up waste materials intermittently from Illinois Bronze from approximately 1972 to 1975. Illinois Bronze has detailed records of its waste disposal from 1966 through the present. It is inconceivable that, if Mr. Martell's recollection were correct, there would be no record of transacting business with him and there would be no present or former employees who could remember him.

Even according to Mr. Martell's recollection, the volumetric share of Illinois Bronze at these sites is quite small. Nevertheless, any involvement at all is a matter of intense concern to the company. Since we feel that the connection between Illinois Bronze and these sites is so tenuous, we ask that you advise us that it is no longer considered a PRP.

Thank you for your consideration.

Very truly yours,

Leonard A. Nelson

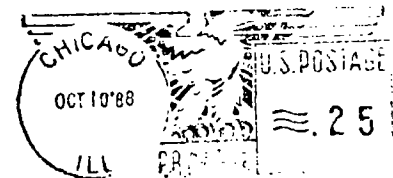
Leonard A. Nelson

LAN:jac

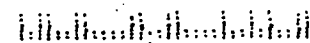
cc: Mr. Mark A. Rothschild
Mr. Robert S. Rothschild
Mr. Alan J. Glazer
Mr. Paul Wickland

Schoenberg, Fisher & Newman, Ltd.

222 SOUTH RIVERSIDE PLAZA
CHICAGO, ILLINOIS 60606



Ms. Susan Swales 5-HE-12
U.S. EPA - Region 5
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604



SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: ILLINOIS BRONZE 300 EAST MAIN STREET LAKE ZURICH, IL 60047	4. Article Number P759199491 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X <i>Debra Dragnon</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	11402
7. Date of Delivery 3-16-88	

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

Swales 511E12

SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

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3. Article Addressed to: ILLINOIS BRONZE 300 EAST MAIN STREET LAKE ZURICH, IL 60047	4. Article Number P682167848 Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X <i>M. W. [Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	11405
7. Date of Delivery 7-11-88	

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT